

**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL**

**Writ Petition No. 294 of 2005 (S/B)**

Mahendra Kumar Tayal,  
S/o Sri Madho Ram Tayal,  
R/o 26 Engineers Enclave,  
GMS Road, Dehradun.

..... Petitioner

Versus

State of Uttaranchal,  
through Secretary, Lok Nirman Vibhag,  
Uttaranchal, Dehradun.

..... Respondent

Mr. A.K. Sharma, Advocate for the petitioner.

**JUDGMENT**

**Coram: Hon. Cyriac Joseph, C.J.  
Hon. Rajesh Tandon, J.**

**CYRIAC JOSEPH, C.J. (Oral)**

1. The petitioner is an Executive Engineer in the Public Works Department of the Government of Uttaranchal. He challenges Annexure 11 order dated 19.05.2005 passed by the Government imposing the penalty of barring increments for two years. The said order was passed on culmination of disciplinary proceedings initiated against the petitioner.
2. Against the impugned order (Annexure 11), the petitioner has an alternate and effective remedy of filing a claim before the Uttaranchal Public Services Tribunal under the provisions of Section 4 of the U.P. Public Services (Tribunal) Act, 1976 as applicable to the State of Uttaranchal. Hence, this writ petition is not maintainable.
3. Hence, the writ petition is dismissed without prejudice to the right of the petitioner to file claim before the Uttaranchal Public Services Tribunal.

**(Rajesh Tandon, J.)  
18.11.2005**

**(Cyriac Joseph, C.J.)  
18.11.2005**

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